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S/N 08/113,561

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas R. Adams et al.

Examiner: G. Benzoin

Serial No.: 08/113,561

Group Art Unit: 1638

Filed: August 25, 1993

Docket: 950.033US1

Title: METHODS AND COMPOSITIONS FOR THE PRODUCTION OF STABLY
TRANSFORMED, FERTILE MONOCOT PLANTS AND CELLS THEREOF

VIA HAND DELIVERY
Commissioner for Patents
Washington, D.C. 20231

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AUG 15 2000

WITHDRAWAL OF APPEAL AND
AMENDMENT UNDER 37 C.F.R. §1.129

**BOARD OF PATENT APPEALS
AND INTERFERENCES**

Sir:

In response to the Notice of Hearing mailed June 9, 2000, Appellants hereby withdraw the appeal of the final rejection of claims 2-4, 47, 51-52, 55-58 and 60-67 (all) of the above-identified application (Appeal No. 97-2153) and file the present amendment in response to the Advisory Action mailed July 27, 1995, and the Final Rejection mailed April 17, 1995.

In the Claims

Please cancel claims 47, 51-52, 55-58, and 60-66 without prejudice or disclaimer.

In claim 2, line 1, delete "any one of claims 47 or 60-67" and insert --claim 67 or 68--.

In claim 3, line 1, delete "any one of claims 47 or 60-67" and insert --claim 67 or 68--.

In claim 67, lines 7-8, delete "a phytase gene;".

Please add the following claim:

H 1
68. The transgenic maize plant of claim 1 wherein the gene is a sucrose synthase gene.

Remarks

Reconsideration and withdrawal of the rejection of the claims of the above-identified application, in view of the amendments and remarks presented herein is respectfully requested.

Claims 47, 51-52, 55-58 and 60-66 having been canceled, claims 2-3 and 67 having been amended, and new claim 68 having been added, the claims pending in the above-identified application are claims 2-4 and 67-68.